IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH JAIPUR

O R D E R

S.B. CRIMINAL REVISION PETITION NO. 319/2006

RAJKUMAR SHARMA Vs. GOPIRAM GUJAR & ORS.

DATE: 08.03.2007.

HON'BLE MR. K.S. RATHORE, J.

Mr. S.R. Surana for the petitioner.
Mr. Ashwini Kumar Sharma, PP for the State.

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The present criminal revision petition is directed against the judgment dated 28.03.2001 passed by the Judicial Magistrate No.3, Jaipur District, Jaipur in Case No. 157/92, whereby the accused-respondents have been acquitted from the offence under Sections 392, 147 and 452/149 IPC.

I have heard learned counsel for the petitioner, learned PP for the State and have also gone through the impugned judgment dated 28.03.2001 as also the relevant record.

Vide judgment dated 28.03.2001, the trial Court has discussed each and every aspect and after appreciating the evidence adduced and the material available on record, has observed that the prosecution has utterly failed to prove its case against the

accused-respondents beyond doubt. The trial Court has also observed that the evidence of the prosecution is not consistent and there is great contradiction in the evidence of the prosecution witnesses and they are not able to prove the offence under Sections 392, 147 and 452/149 IPC against the accused-respondents. Thus, as the prosecution has utterly failed to prove the aforesaid offences against the accused-respondents, therefore, the benefit of doubt has been extended in favour of the accused-respondents and they have been acquitted from the aforesaid offences.

Upon perusal of the relevant record and the evidence of the witnesses, I find no illegality or error in the acquittal order dated 28.03.2001 passed by the trial Court and the same requires no interference whatsoever by this Court.

Consequently, the revision petition fails and the same is hereby dismissed.

Record be sent back forthwith.

(K.S. RATHORE),J.

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